

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed December 4, 2003 ("Office Action"). Applicant respectfully requests reconsideration of the rejections of claims 1-30 for at least the following reasons.

STATUS OF THE CLAIMS

Claims 1-30 are pending in the application.

Claims 1, 4, 6, 8, 9, 13, 15, 16, 19, 21, 23, 24, 28, and 30 are amended. Claims 6, 9, 13, 15, 21, 24, 28, and 30 were amended to fix typographical errors. Support for amended claims 4, 8, 19, and 23 is found at least at p. 5, ln. 29 - p. 6, ln. 3, and p. 8, lns. 17-19. Support for amended claims 1 and 16 is found at least at p. 4, lns. 16-17. No new matter is added by these amendments.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-3, 5-7, 9-18, 21, 22, 24-30 are rejected under 35 U.S.C. § 103(a) as being obvious over Hossain et al. United States Patent Number 5,581,749 hereinafter in view of Stryniewicz et al. United States Patent Number 6,591,417. Applicants respectfully traverse this rejection.

Independent claims 1 and 16 have been amended to recite that "the at least one enhancement is an enhancement to software code." Hossain discloses "maintain[ing] reference records for multiple transaction processing systems on a central database." (Abstract) Claims 1 and 16 recite enhancements to software code. Hossain does not teach or suggest updating software, rather it teaches updating records in a database. Hossain's reference records refer to transactions. Hossain does not manipulate the transactions but rather the references to transactions. Col. 6, lns. 56-67. Hossain also discloses "shadow codes." Shadow code are electronic data that can be read by a software program. Col. 3, lns. 27-32. Shadow codes are not software code. Col. 3, lns. 27-32. Thus, Hossain does not teach or suggest "receiving at least one enhancement from the developer, wherein the at least one enhancement is an enhancement to software code" as recited in claims 1 and 16.

Claims 1 and 16 also recite "receiving approval of the quality of the at least one enhancement from a quality assurance module." Claims 1 and 16 also recite "analyzing the at least one enhancement to ensure conformity with the model software system." The examiner cites the verify function of Hossain as reading on both the "quality assurance module" and the "analyzing to ensure conformity" limitations of claims 1 and 16. The verify utility as described as follows:

The verify utility determine whether requested modifications to a record comply with any modification restrictions imposed on the requester for the record. The verify utility determines such restrictions by invoking the application protection mechanism. The verify utility returns an indication that the values are permissible or an indication that they are not permissible. (Col. 12, lns. 56-63 (Fig. citations omitted))

Claims 1 and 16 have been amended to recite that approval of the quality of the at least one enhancement is received from a quality assurance module. The verify function checks only restriction on the requestor. In claims 1 and 16, the quality assurance and the conformity check are two separate checks on the enhancement. In Hossain, the verify function does not approve the quality of the record, it checks only restrictions on the requestor of the record. The verify function does not evaluate the quality of the record itself but rather whether the record is restricted due to a limitation on the requestor. Additionally, quality is a term properly used to describe software rather than a data record. Thus, Hossain does not teach or suggest receiving approval of the at least one enhancement from a quality assurance module. Stryniewicz does not remedy what Hossain is lacking. Stryniewicz checks if vendor applications are compatible with user applications. Col. 2, lns. 34-40. Stryniewicz does not teach or suggest receiving approval of the at least one enhancement from a quality assurance module

Claim 3 and 18 recite "reviewing a request for service record associated with the at least one enhancement." The Examiner points to verify and error functions of Hossain as reading on this limitation. As noted above the verify function checks only restrictions on the requestor. A request for service record is a record associated with the enhancement not with the requestor of the enhancement. The error function is invoked by an error caused by "a communication malfunction, a database error or a program logic error." (Col. 8, lns. 45-47) None of these error

is something that would be included on the request associated with the enhancement. Thus, Hossain does not teach or suggest reviewing a request for service record associated with the at least one enhancement. Stryniewicz does not remedy what Hossain is lacking. Stryniewicz does not disclose requests associated with enhancements. Stryniewicz does not teach or suggest reviewing a request for service record associated with the at least one enhancement.

Accordingly, applicants respectfully request that the rejection of claims 1, 3, 16, and 18 be withdrawn. Claims 2, 5-7, 9-15, 17, 21, 22, and 24-30 depend from claims 1 and 16 and are patentable as depending from those claims which are patentable for at least the above reasons. Therefore, applicants respectfully request that the rejection of claims 2, 5-7, 9-15, 17, 21, 22, and 24-30 be withdrawn.

Claims 4, 8, 19 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hossain et al. United States Patent Number 5,581,749 hereinafter in view of Stryniewicz et al. United States Patent Number 6,591,417 as applied to claim 1, and further in view of May et al. United States Patent Number 5,999,741. Applicants respectfully traverse this rejection.

Claims 4, 8, 19 and 23 have been amended to recite "determining a schedule for running the at least one enhancement after it is migrated." May discloses "schedul[ing] upgrades for outdated hardware and software configurations." (Col. 1, lns 66-67) May does not teach or suggest determining a schedule for running the at least one enhancement after it is migrated. Accordingly, applicants respectfully request that the rejection of claims 4, 8, 19, and 23 be withdrawn.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record, taken in any proper combination. Reconsideration and allowance of the instant application are respectfully requested.


If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities

Respectfully submitted,

HUNTON & WILLIAMS LLP

March 4, 2004

By:


Bryan F. Moore
Registration No. 52,044

HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006
Telephone (202) 955-1500
Fax: (202) 778-2201